

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

HELEN RUNGE,

*Plaintiff,*

*v.*

WALTER J. KELLEY; KERRY L.  
BLOOMINGDALE, M.D.; and  
SUNBRIDGE NURSING AND  
REHABILITATION CENTER,

*Defendants.*

Civil Action No. 05-10849-RGS

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**OPPOSITION of DEFENDANT MEDIPLEX OF MASSACHUSETTS, INC.  
d/b/a SUNBRIDGE CARE AND REHABILITATION FOR RANDOLPH to  
PLAINTIFF'S SECOND MOTION for ENLARGEMENT of TIME to SUBMIT  
EXPERT REPORTS as to DEFENDANTS SUNBRIDGE and BLOOMINGDALE**

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The Plaintiff seeks a second enlargement of the time period for her expert disclosures related to her claims against Defendants SunBridge and Dr. Bloomingdale. Plaintiff's expert disclosures were originally due by January 15, 2007. Under a previous extension granted by this Court, the period for expert disclosures related to the claims against SunBridge and Dr. Bloomingdale was extended to March 2, 2007. The Plaintiff now seeks an additional enlargement of the time to make her expert disclosures. Defendant SunBridge hereby opposes any further delays in Plaintiff's expert disclosures.

The Amended Complaint takes a kitchen sink approach to Defendant SunBridge, but essentially accuses SunBridge of malpractice, false imprisonment and forced medication. Deposition testimony has revealed that the Plaintiff was never required to take medication when she refused it. Instead, the coercion alleged is that the Plaintiff was allegedly told by someone at SunBridge that she could not remain as a resident if she continued to refuse to take her

antipsychotic medications. No other allegations of force or coercion are made. With regard to the claim of false imprisonment, but the records reveals that Runge took trips out of the facility including trips to Wal-Mart and an unsupervised trip from the facility with her daughter and son-in-law.

Helen Runge was a resident of SunBridge's skilled nursing facility in Randolph for a period of three months in early 2003. The facility's medical filed related Runge's stay were obtained by SunBridge and produced to the Plaintiff on July 20, 2006.<sup>1</sup> SunBridge recently obtained a second portion of the facility records from the facilities new operators – those related to the financial aspect of Runge's stay at the facility – and produced those records to the Plaintiff on March 8, 2007. The Plaintiff now has 609 pages of facility records covering the three months Helen Runge was a resident of the facility. These records include all documents SunBridge was able to obtain from the new operator of the subject skilled nursing facility that relate to the stay by Helen Runge (with the exception of 14 documents withheld as privileged).

The Plaintiff has sufficient documents to permit her expert(s) to opinion on whether the actions of SunBridge in this matter met the standard of care for a skilled nursing facility in dealing with a resident suffering from dementia and whether Dr. Bloomingdale actions met the standard of case for a psychiatrist. This Court should not grant an additional extension to the Plaintiff and should order the disclosure of Plaintiff's expert witnesses within 10 days of ruling on the Plaintiff's motion, with Defendants' expert disclosures due 30 days after that.

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<sup>1</sup> Following Runge's departure from the skilled nursing facility at issue in this matter, the facility was divested by Defendant SunBridge and is currently operated as Cedar Hill Healthcare Center by 49 Thomas Patten Drive Operating Company, LLC.

Respectfully submitted,

**Mediplex of Massachusetts, Inc. d/b/a  
SunBridge Care and Rehabilitation for  
Randolph**

by its attorneys,

/s/ Michael Williams

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**CERTIFICATE OF SERVICE**

I hereby certify that this Document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on March 16, 2007.

/s/ Michael Williams